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Eighty-ninth session

Summary record of the first part (public)* of the 2424th meeting
Held at Headquarters, New York, on Monday, 12 March 2007, at 10 a.m.

Temporary Chairman: Mr. Mbaidjol (Representative of the Secretary-General)
Chairman: Mr. Rivas Posada

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* No summary record was prepared for the second part (closed) of the meeting.

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The meeting was called to order at 10.10 a.m.

Opening of the session by the representative of the Secretary-General

1. **The Temporary Chairperson** welcomed the four new members of the Human Rights Committee, which was a key pillar of the United Nations human rights machinery. The international standards underpinning that machinery had recently been further enriched by the adoption of the Convention on the Rights of Persons with Disabilities and its Optional Protocol and the International Convention for the Protection of All Persons from Enforced Disappearance. The Office of the United Nations High Commissioner for Human Rights (OHCHR) would provide support to the two independent monitoring mechanisms established under those Conventions. In addition, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, established pursuant to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, had held its first session in February 2007. The Subcommittee differed significantly from other human rights treaty monitoring mechanisms since it provided for a series of preventive visits to be carried out by independent international and national experts.

2. Since the Committee's previous session, the Human Rights Council had held its resumed second session, its third session and two special sessions, and the one-year deadline for the review of all mandates and mechanisms set out in General Assembly resolution 60/251 was fast approaching. As far as the universal periodic review was concerned, the facilitator of the intersessional working group had prepared conclusions and a non-paper identifying areas of emerging agreement, areas requiring further consideration and compromise proposals on a number of issues. There was a general consensus that the principles of the universal periodic review should complement, rather than duplicate, other human rights mechanisms and emerging agreement that human rights instruments to which States were party should provide the basis of the review. A progress report would be submitted to the Council at its fourth session, and the working group was expected to conclude its work by 18 June 2007.

3. Regarding reform of the treaty bodies, the working group on reservations had reconvened on 14 and 15 December 2006 and would submit its report to the sixth inter-committee meeting and the nineteenth meeting of chairpersons. The latter would decide whether to convene a further meeting of the working group. In May 2007, the International Law Commission would be holding a discussion on reservations to human rights treaties, which the treaty bodies had been invited to attend.

4. As part of the follow-up to the recommendations of the fifth inter-committee meeting and the eighteenth meeting of chairpersons, a working group on the harmonization of the working methods of the treaty bodies had met in November 2006 to discuss proposals adopted in response to the High Commissioner's proposal for the establishment of a unified standing treaty body. The working group had formulated preliminary points of agreement, and had decided to meet again in early 2007 to discuss certain issues in more depth and finalize its report to the sixth inter-committee meeting. The chairpersons of the treaty bodies were due to meet with States parties to discuss treaty body reform in June 2007, immediately prior to the sixth inter-committee meeting and the nineteenth meeting of chairpersons.

5. In accordance with its Plan of Action and Strategic Management Plan, OHCHR was pursuing its efforts to place more emphasis on implementing recommendations at the country level. In that context, and following a recommendation made by the seventeenth meeting of chairpersons, a seminar on technical cooperation and follow-up to concluding observations had been held in Geneva on 9 and 10 November 2006. Participants had discussed the format and substance of concluding observations and their implementation at the national level, and recommendations had been formulated with a view to strengthening the impact of the treaty bodies at the country level. The report on the seminar would be distributed to Committee members in due course.

6. Since the Committee's previous session, Botswana had submitted its initial report, the former Yugoslav Republic of Macedonia and San Marino their second periodic reports, Algeria, Ireland and Panama their third periodic reports, France its fourth periodic report, Japan and Spain their fifth periodic reports and Tunisia and the United Kingdom of Great Britain and Northern Ireland their sixth periodic reports. The

agenda of the current session was extremely full, although consideration of the country situation in Rwanda under rule 70 of the rules of procedure would not take place owing to a formal commitment by the Rwandan authorities to submit a report by the end of April 2007. He wished the Committee every success in the discharge of its important duties.

Solemn declaration by newly elected members of the Committee in accordance with article 38 of the Covenant

7. *At the invitation of the Temporary Chairperson, the new members of the Committee — Mr. Iwasawa, Ms. Majodina, Ms. Motoc and Mr. Sanchez-Cerro — solemnly undertook to discharge their duties impartially and conscientiously, in accordance with article 38 of the Covenant and rule 16 of the Committee's rules of procedure.*

Election of Chairperson and other officers of the Committee

8. **Mr. Lallah** nominated Mr. Rivas Posada as Chairperson.

9. **The Temporary Chairperson** said he took it that the Committee wished to elect Mr. Rivas Posada as Chairperson by acclamation.

10. *It was so decided.*

11. *Mr. Rivas Posada (Chairperson) took the Chair.*

12. **The Chairperson** thanked the Committee for the confidence it had placed in him, and stressed the importance of maintaining a collegial spirit. Like the other treaty bodies, the Committee was under considerable pressure to modernize its working methods. While it was certainly in the Committee's interest to consider all the reform proposals before it, it should proceed with caution so as to ensure that its mandate was not adversely affected.

13. He called for nominations for three posts of Vice-Chairperson and one post of Rapporteur.

14. **Mr. Lallah** nominated Mr. Khalil, Ms. Palm and Mr. Shearer as Vice-Chairpersons and Mr. Amor as Rapporteur.

15. **The Chairperson** said he took it that the Committee wished to elect the nominees by acclamation.

16. *It was so decided.*

Adoption of the agenda

17. *The agenda was adopted.*

Organizational and other matters

18. **Mr. Amor**, speaking as Chairperson/Rapporteur of the Working Group on Communications, said that the Working Group, composed of Mr. Bhagwati, Mr. Glèlè-Ahanhanzo, Mr. Johnson, Mr. Khalil, Mr. O'Flaherty, Ms. Palm, Mr. Rivas Posada, Mr. Shearer and himself, had held 10 meetings between 5 and 9 March 2007. It had considered 18 sets of draft Views on the merits — 16 with a finding of violation, and 2 with a finding of non-violation, of the Covenant — and one set of draft Views with two options, and had decided to declare six communications inadmissible and five communications admissible. On an exceptional basis, one of the latter decisions on admissibility would be transmitted to the plenary, owing to its significance for the development of the Committee's jurisprudence. The Committee as a whole would be considering more than 20 drafts, including 3 carried over from the previous session. In closing, he said that, despite a number of problems regarding the availability of translations, the Working Group had finally received all the drafts in all its working languages and had thanked the Geneva translation services for their efforts in that regard.

The public part of the meeting rose at 10.45 a.m.